

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HADEL TOMA,)
)
)
Plaintiff,)
)
)
v.) 1:12CV1373
)
)
PASTOR JIMMY CILLPAM,)
)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

OSTEEN, JR., District Judge

This court gave notice on May 21, 2015, that it identified several undisputed material facts that showed Defendant Pastor Jimmy Cillpam was entitled to judgment as a matter of law. (Order (Doc. 67).) This court then gave all parties 21 days to respond to this court's Order, explaining why this court should not enter summary judgment for Defendant Cillpam. (Id.) However, Plaintiff did not respond within this time period.

Accordingly, this court adopts the rationale from its May 21, 2015 Order (Doc. 67), showing that Plaintiff's claims are barred by the statute of limitations, that Plaintiff's claims are precluded due to the 2011 action between these parties in North Carolina Small Claims Court, and that Plaintiff has not demonstrated a genuine dispute on several material

facts. As a result, Defendant is entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED that summary judgment is **GRANTED** for Defendant Jimmy Cillpam, sua sponte, pursuant to Federal Rule of Civil Procedure 56(f), after this court gave Plaintiff notice and an opportunity to be heard. Accordingly, this case is **DISMISSED**.

A judgment consistent with this Memorandum Opinion and Order will be entered contemporaneously herewith.

This the 18th day of June, 2015.

William L. Osten, Jr.

United States District Judge